

### REMARKS

Claims 1-39 are pending in the present application and claims 12 and 38-39 have been amended.

#### Office Action of January 28, 2009

Applicant has carefully reviewed and considered the Office Action of January 28, 2009. Applicant hereby requests entry of this Response and further consideration of the present application in view of the following remarks.

In the Office Action, claims 1-39 were rejected under non statutory double patenting rejection over claims 1-33 of U.S. Pat. No. 6,728,779, claims 12-22 are rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter, and claim 39 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant respectfully traverses these grounds of rejection and requests reconsideration thereof.

The Office Action also indicated that claims 1-11 and 23-38 are allowable.

#### Non-Statutory Double Patenting Rejection

A terminal disclaimer is submitted herewith. Applicant submits that the rejection is overcome with submission of the terminal disclaimer and requests the rejection be withdrawn.

#### Rejection Under 35 U.S.C. §101

##### *Claim 12*

Claim 12 has been amended to conform to the Beauregard format and Applicant submits that claim 12 is directed to a computer readable medium and not software. Therefore, Applicant submits that amended claim 12 is directed to a statutory matter and requests the rejection be withdrawn and claim 12 allowed.

*Claims 13-22*

Claims 13-24 depend from claim 13 and Applicant submit that claims 14-24 are patentable for at least reasons stated above regard to the patentability of amended claim 13.

Rejection Under 35 U.S.C. §112

*Claim 39*

Claim 38 has been amended, such that the source for the first data set may or may not be the same as the source for the second data set, and claim 39 has been amended accordingly to indicate that the source for the first data set is not the same as the source for the second data set.

Applicant submits that the indefiniteness of claim 39 has been removed and Applicant requests the rejection be withdrawn and amended claim 39 be allowed.

Allowable Subject Matter

Applicant agrees with the Examiner that claims 1-11 and 23-38 contain allowable subject matter.

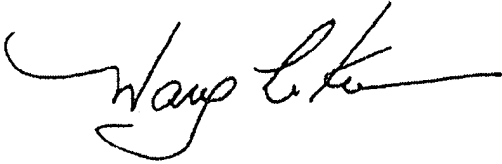
Conclusion

In view of the foregoing remarks, Applicant respectfully submits that Claims 1-39 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (770-246-2599) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 50-4290.

Respectfully submitted,  
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By his Representatives,

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